

## Chapter 17.08

### DEFINITIONS

#### Sections:

**17.08.010      General.**

**17.08.020      Definitions.**

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For the purpose of this title, unless otherwise stated, words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "shall" is mandatory, not discretionary; the word "may" is permissive; the word "person" shall include a firm, association, organization, partnership, trust, company or corporation, as well as, an individual; the word "lot" includes the words "plot" or "parcel;" and the words "used" or "occupied" include the words "intended," "designed" or "arranged to be used or occupied." (Ord. 386 § 2301, 2002)

#### **17.08.020      Definitions.**

For the purposes of this title, certain terms or words used herein shall be interpreted as follows:

**"Accessory use or structure"** means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**"Alley"** means a public right-of-way that affords a secondary means of access to abutting property.

**"Automobile service station"** means buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made, and no other:

1.      Sale and servicing of spark plugs, batteries and distributors and distributor parts;

2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing and polishing, and sale of automotive washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Emergency wiring repairs;
10. Adjusting and repairing brakes;
11. Minor motor adjustments;
12. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for automobile service station customers, as accessory and incidental to principal operation;
13. Provision of road maps and other informational material to customers; provision of restroom facilities.

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is not a repair garage nor a body shop.

**"Block"** is an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary of boundaries of the subdivision, or a combination of the above with a river or lake, and which has been designated as such on a plat for description purposes.

**"Buildable area"** means the portion of a lot remaining after required yards have been provided.

**"Building"** includes the word structure and is a structure that is entirely separated from any other structure by space or by walls in which there are not communicating doors or windows or similar openings. A principal building including covered porches and paved patios, is a building in which is conducted the principal use of the lot on which it is situated. In any

residential district, any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

**"City"** is the city of North Sioux City, South Dakota.

**"City council"** is the common council of the city of North Sioux City, South Dakota.

**"Collector street"** is a street that carries or will carry intermediate volumes of traffic from a minor street to an arterial and designated as a collector street in the comprehensive plan of the city.

**"Cul-de-sac"** is a street having one end open to traffic and being terminated by a vehicular turnaround.

**"Drive-in restaurant or refreshment stand"** means any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

**Dwelling, Single-Family.** "Single-family dwelling" means a detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

**Dwelling, Multiple-Family.** "Multiple-family dwelling" means a residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**"Dwelling unit"** means one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

**"Easement"** is a grant by the property owner to the public, a corporation or persons of the use of a tract of land for specific purpose or purposes.

**"Efficiency unit"** means a dwelling having only one room exclusive of bathroom, water closet compartment, kitchen, laundry, pantry, foyer, communicating corridor, closets, or any dining alcove. An efficiency unit shall be permitted only in a multifamily dwelling.

**"Family"** means one or more individuals related by blood or law occupying a dwelling unit and living as a single household unit. A family shall not include more than three adults who are unrelated by blood or law. In addition to the persons actually related by blood or law, the following persons shall be considered related by blood or law for purposes of this title:

1. Persons residing with the family for the purpose of adoption;

2. Not more than six persons under eighteen (18) years of age residing in a foster home licensed or approved by a governmental agency;
3. Not more than four persons nineteen (19) years of age or older residing with the family for the purpose of receiving foster care which is licensed or approved by a governmental agency;
4. Persons living with a family at the direction of a court.

**Feedlot, Commercial.** "Commercial feedlot" means a place where the principal business is the feeding of livestock and such feeding is not done as a subordinate activity to the production of crops on the premises of which the feedlot is a part.

**"Height of building"** means the vertical distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

**"Home occupation"** means an occupation conducted in a dwelling unit provided that:

1. No more than one person, in addition to members of the family, residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty (30) percent of the floor area of the dwelling shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated and mounted flat against the wall of the principal building;
4. No home occupation shall be conducted in any accessory building;
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood;
6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or caused fluctuations in line voltage off the premises.

**"Improvements"** are changes and additions to land necessary to prepare it for building sites, and including street paving and curving, grading, survey, monuments, drainage ways,

sewers, fire hydrants, water mains, sidewalks, pedestrian ways and other public works and appurtenances.

**Loading Space, Off-Street.** "Off-street loading space" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be used as off-street parking space in computation of required off-street parking space.

**"Lot"** is a parcel of land of at least sufficient size to meet minimum zoning and subdivision requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot may consist of a single lot of record; a portion of lot of record; a combination of complete lots of record, a complete lots of record and portions of lots of record, or of portions of lots of records; a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this title.

**"Lot depth"** shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

**"Lot frontage."** With respect to the original area of North Sioux City, the front of a lot shall be construed to be the portion nearest the duly established or platted street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards in this chapter. With respect to the annexed area of North Sioux City, the same definition applies, except for properties directly adjacent to the McCook Lake water shore. For these properties, the front of a lot shall be that portion of the lot facing the lake.

**"Lot of record"** means a lot that is part of a subdivision recorded in the office of the register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**"Lot width"** shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points where they intersect with the street line, shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of culs-de-sac, where the eighty (80) percent requirement shall not apply.

**Lot, Corner.** "Corner lot" is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

**Lot, Interior.** "Interior lot" is defined as a lot other than a corner lot with only one frontage on a street.

**Lot, Through.** "Through lot" is defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as a double frontage lot.

**Lot, Reversed Frontage.** "Reversed frontage lot" is defined as a lot on which the frontage is at right angles or approximately right angles, interior angle less than one hundred thirty-five (135) degrees, to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

**"Manufactured home park"** means a licensed contiguous parcel of land, under the same ownership, where lots are rented for the temporary placement of manufactured homes with all necessary facilities and services and is licensed by the city. Manufactured home park shall not include travel trailer parks or trailer sales lots.

**"Mobile home," "automobile trailer," "trailer coach" or "trailer"** means any vehicle designed and constructed in such manner as will permit occupancy thereof as adequate living quarters for one or more persons, and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks, and excepting unoccupied camper units mounted on track or automobile chassis and fold out expanding camping trailers. Nothing in this definition shall be construed so as to include prefabricated, precut residences or those manufactured in sections or parts away from the site and transported thereto for erection, provided that when completely erected, such prefabricated, precut or manufactured residences shall be on a permanent foundation and in all respects comply with the current edition of the Uniform Building Code which has been adopted by the city.

**"Mobile home park"** means any park, trailer park, trailer court, camp, site, lot, parcel or tract of land designed, maintained or intended for the use of supplying a location or accommodation for fifteen (15) or more mobilehomes, and upon which such mobilehomes are parked permanently or temporarily, and shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the trailer park and its facilities or not. Mobilehome park shall not include travel trailer parks or trailer sales lots.

**"Modular home"** means a sectional structure, designed for residential use, which has its weight borne by the exterior walls. Specifically, this structure is designed for foundation construction around the perimeter walls that will allow the permanent installation of the sections at a specific location. The definition is the fundamental difference with "mobilehome."

**"Owner"** is the individual, firm, association, syndicate, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain such proceedings.

**Parking Space, Off-Street.** "Off-street parking space" shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked and shall be so designated, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city.

**"Pedestrian way"** is a tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets or properties.

**"Permitted conditional use"** is a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as permitted conditional uses, if specific provision for such permitted conditional use is made in this title.

**Plat, Final.** "Final plat" is a map drawn to scale from an accurate survey and including items set forth herein, along with all certificates and statements set forth herein for the purpose of recording as a subdivision of land.

**Plat, Preliminary.** "Preliminary plat" is a drawing of a proposed subdivision to be approved by the city planning commission and city council before proceeding with a final plat.

"Planning commission" is the planning commission of the city of North Sioux City, South Dakota.

**Replat, Resubdivision.** "Resubdivision replat" is a plat representing land that has previously been included in a recorded plat.

**"Sign"** means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
2. Flags and insignia of any government, except when displayed in connection with commercial promotion;
3. Legal notices: identification, informational or discretionary signs erected or required by governmental bodies;
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

**Signs, Number and Surface Area.** For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

**Signs, On-Site.** "On-site sign" means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

**Signs, Off-Site.** "Off-site sign" means a sign other than an on-site sign.

**"Street"** means a tract of land, dedicated to public use, which affords a primary means of access to the abutting property, but excluding private driveways serving only one parcel of land.

**Street, Arterial and Highway.** "Highway and arterial street" means a street of considerable continuity, connecting various sections of a community or region, designed or utilized for high vehicular speeds, or for heavy volumes of traffic and designated as an arterial street in the official comprehensive plan of the city.

**"Street line"** means the right-of-way line of a street.



**Street, Marginal.** "Marginal street" means a minor street which is parallel to and adjacent to an arterial and highway, and which serves to reduce the number of access points to the arterial street and thereby increase traffic safety.

**Street, Minor.** "Minor street" means a street which is used or will be used primarily for access to abutting properties and which carries or will carry limited volumes of traffic.

**"Structure"** means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include, but are not limited to, buildings, mobilehomes, walls, fences, billboards, and poster panels.

**"Subdivision"** means the division of any tract or parcel of land into two or more lots, sites or other division for the purpose, whether immediate or future, of sale or building development and includes resubdivision. Where it is appropriate to the context, subdivision relates either to the process of subdividing or the land subdivided.

**"Tangent"** means a straight line that is perpendicular to the radius of a curve when a tangent meets a curve.

**"Travel trailer or camper"** means any vehicle or structure designed and constructed in such manner as will permit temporary occupancy as living and sleeping quarters as is primarily required during camping or vacation travels. Such facility has identical characteristics to a mobilehome in that it can be conveyed on the streets, however, in no way is it intended to become a residence.

**"Travel trailer campground"** means any plat or ground on which a camper or travel trailer is located regardless of whether or not a charge is made for such accommodation. However such definition shall not include the premises or one who stores thereon a single travel trailer of which he or she is the owner.

**"Variance"** is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship. As used in this title, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

**"Water course," "drainage way," "channel" or "stream"** means a current of water usually flowing in a definite channel, having a bed and sides or banks and discharging itself into some other stream or body of water.

**"Yard"** means a required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, post, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

**Yard, Front.** "Front yard" means a yard extending between side lot lines across the front of a lot. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of thirty (30) inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of thirty (30) inches and ten (10) feet.

In the case of through lots, unless the prevailing front yard pattern or adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement for the normal front yard and substitute, therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots that do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots with more than two frontages, the administrative official shall determine the front yard requirements, subject to the following limitations: (1) at least one front yard shall be provided having the full depth required generally in the district; (2) no other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

**Yard, Rear.** "Rear yard" means a yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

**Yard, Side.** "Side yard" means a yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the

lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear liens of front yards required. In the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards.

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

**Yard, Special.** "Special yard" means a yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots with due regard to the orientation and location of structures and buildable areas thereon. (Ord. 386 § 2302, 2002)